

My name is David Steiner, I am Victim #2.

In August 2019, Ina and I were frantic. Online threats and disturbing deliveries were coming at a rapid-fire pace. Our peaceful one-way street turned into a caravan of Natick Police cruisers, responding to incident after incident at our home. Neighbors were on edge, and after being tailed twice by strange vehicles within 3 days, I knew that whoever was threatening us online was now right outside our door. I had no doubt that Ina's life was in danger, and we were terrified.

We're grateful to the Natick Police Department and the FBI for taking our reports seriously, stopping the harassment and pursuing this case. We are also grateful to the US Attorney's Office for taking the case as far as they have.

But on October 11th, this court had it exactly right. This is bigger than what happened to Ina and to me. This is broader than seven defendants who have pled guilty to crimes related to cyberstalking and harassment. The court's words resonated with me 3 weeks ago when it said:

"This is one of the most important cases upon which this court has ever sat. The skills [these defendants] employed to go cyberstalking are an extreme danger, and when you put those skills to service of some large corporate entity with economic power to go after individuals and squash down their speech, we are all at risk. All of us."

Those words validated – finally – what Ina and I have been imploring the government to do for the better part of three years. Go deeper. We realized the larger implications of this case within hours of discovering who was behind our cyberstalking and harassment.

eBay's actions were a danger to the First Amendment.

But to date, the government has not moved beyond the seven people who have plead guilty to these horrific crimes. According to eBay's own internal investigation, Steve Wymer, eBay's former Chief Communications Office, obstructed the investigation and destroyed evidence.

These were the same charges prosecuted successfully against some of the defendants. Why was Wymer not indicted? As we were told, sitting across the table from the US Attorney, he refused to be interviewed by the FBI and US Attorney. Wymer has not been held accountable for his crimes and now holds the position of CEO of the Boys and Girls Club of Silicon Valley.

Former eBay CEO Devin Wenig now holds a board seat at General Motors and Wendy Jones, who oversaw eBay's Global Intelligence is on Prudential Financial's board. For their participation and for creating the culture that allowed this corporate terrorism to occur, they have been rewarded.

As for defendant Zea, she was a contractor for Progressive Force Concepts, and was placed at eBay. She was clearly in the middle of this conspiracy which would not have occurred without the financial backing provided by PFC. Zea's use of PFC funds to facilitate the deliveries, the flights to Boston, hotel rooms, lavish meals and rental cars allowed the conspiracy to continue. When caught, she quickly tried to hide her trail online by taking down her LinkedIn profile, Facebook page and Twitter account. She lied to investigators and obstructed authorities by destroying evidence.

Not only did she and her fellow co-conspirators do untold harm to a person I love dearly, but they also tried to silence our reporting, and in the process, assaulted the most important right a United States citizen is born with.

Ina has been portrayed in court filings and media as a blogger or eBay critic. She is a journalist. A longtime member of both the Online News Association and Investigative Reporters and Editors. Her reporting has always been fair, balanced, well-researched, and an immeasurable help to eBay's own customers – the online sellers that fuel the marketplace's success. To try to stop her reporting is incomprehensible to me.

There are many casualties resulting from eBay's actions. Seven people have ruined their lives; eBay's own customers – online sellers – have lost trust in the company that they depend on for income; our own emotional and financial security has been severely damaged; and this case has left me cynical about how our justice system works.

There is a separate justice for powerful people and mighty corporations. They can refuse to cooperate or hire outside counsel to "self-investigate" to avoid criminal prosecution. It's also not lost on me how many former prosecutors were involved in representing the defendants and how many we'll face on the civil side.

Last year, Andrew Lelling, the US Attorney whose office charged this case against the seven defendants did a podcast for his current employer in the private sector along with former Asst US Atty Amy Burkart. The topic of the podcast was, "THE EBAY CYBERSTALKING CASE: MITIGATING THE COMPLIANCE RISKS OF EMPLOYEE MISCONDUCT." The two former prosecutors who led this case were now using our nightmare as a marketing tool to drum up corporate clients that might find themselves in the same position as eBay, and in need of a good, experienced law firm.

The takeaway for me was, how hard is a prosecutor willing to go after a corporation, when down the road, they might be courting that same company for their business?

The First Amendment outlines our most precious right as a US citizen. It's widely considered our most important Constitutional right. A free press is a vital component to living in a free society. Without it there is no way to hold up truth to power.

Large powerful corporations should not be allowed to use their immense resources to intimidate, threaten and silence reporters just because they don't like the message.

This is the sixth victim impact statement I've given in this case. The government has stated that this is an ongoing investigation. I have my doubts. Ina and I are more than willing to do what is required of us in the event this case is ever fully prosecuted. It's an obligation we feel deeply as citizens of this country and a responsibility we owe to other journalists.

To ignore the larger context of this case is to do so at our own peril.

I'd like to thank the court for considering my words and request that my victim statement be placed on the docket.